

**MINUTES OF THE  
CITY PLANNING COMMISSION  
OCTOBER 6, 2006  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 9:12 a.m.

**Commission Members:**

***Present:*** Caleb Faux, James Tarbell, Donald Mooney and Milton Dohoney

**Community Development and Planning Staff:** Margaret Wuerstle, Bonnie Holman, and Rodney Ringer

**Law Department:**  
Dotty Carman

**APPROVAL OF MINUTES**

Submission of the minutes from the September 1, 2006 and September 15, 2006 Planning Commission meetings for approval.

<b>Motion:</b>	Mr. Mooney moved approval of minutes.
<b>Second:</b>	Mr. Tarbell
<b>Ayes:</b>	Mr. Faux, Mr. Tarbell, Mr. Mooney and Mr. Dohoney
<b>Nays:</b>	None, <b>motion carried</b>

**CONSENT ITEMS**

**ITEM #1**      A report and recommendation on authorizing the grant of a permanent aerial easement over Stetson Street to Corryville Community Development Corporation for locating and maintaining balconies.

**BACKGROUND:**    The City of Cincinnati is the owner of Stetson Street west of Highland Avenue. Corryville Community Development Corporation (CCDC) owns the property at 242 Stetson Street on which an upscale condominium building is being constructed as part of the Stetson Square Project. As part of this development, CCDC has petitioned to acquire a permanent aerial easement over Stetson for balconies. An appraisal of the easement performed by Real Estate Services has determined that its fair market value is \$100.00, which CCDC has deposited with the City Treasurer. All of the conditions in the coordinated report have either been met or are included in the ordinance.

**RECOMMENDATION**

The staff of the City Planning Department recommended the City Planning Commission take the following action:

Authorize the grant of a permanent aerial over Stetson Street to Corryville Community Development Corporation for balconies, which interest is not needed for any municipal purpose.

**Motion:** Mr. Mooney moved approval of Consent Item #1.  
**Second:** Mr. Dohoney  
**Ayes:** Mr. Faux, Mr. Tarbell, Mr. Mooney and Mr. Dohoney  
**Nays:** None, **motion carried**

## **DISCUSSION ITEMS**

**ITEM #2** A report and recommendation on authorizing the City Manager to enter into the *Agreement of Purchase and Sale* with the City of Blue Ash for the sale of approximately 130 acres from and reconfiguration of the Blue Ash Airport.

*Ms. Margaret Wuerstle, Chief Planner, presented this item.*

### **BACKGROUND:**

The City of Cincinnati has owned and operated the Blue Ash Airport since 1946. It occupies approximately 228 acres at the intersection of Glendale-Milford and Plainfield Roads in the City of Blue Ash. It primarily serves small recreational and business aircraft. Approximately 60 planes are based at the airport and three aviation-related businesses have leases to operate on site.

On August 2, 2006, City Council approved a Contract Proposal with the City of Blue Ash for the reconfiguration of the Blue Ash Airport and the sale of approximately 130 acres of residual property resulting from the proposed reconfiguration.

### **THE AIRPORT**

The City of Blue Ash has offered \$37.5 million for the property, to be paid over 30 years. In the first ten years, the annual payment would be \$1 million. In years 11-20, the payment would increase to \$1.25 million annually, and in years 21-30, the payment would be \$1.5 million. The City of Cincinnati would retain a mortgage on the land during the repayment period. As part of the sale, a 40-year restriction would be placed in the deed limiting the site to non-commercial uses (except those set forth in Exhibit C of the Blue Ash Central Park Conceptual Development Plan). In order to pay for the land and park, Blue Ash has placed an amendment to its Charter on the ballot this November to increase their earnings tax rate from 1% to 1.25%.

The Federal Aviation Administration (FAA) approved layout for the airport, as stated in the 1998 Blue Ash Airport Master Plan, calls for the airport to be reconfigured on the north side of the runway. Blue Ash would prefer that the airport be reconfigured on the south side of the runway, so that it can fully implement its plan for the park. Assuming that the airport can fit on the south side of the runway, the FAA would need to approve a new Airport Layout Plan prior to the City engaging in final design. Without a working plan for the airport, it is difficult to estimate the cost of the reconfiguration. However, previous estimates based on other plans have ranged from \$10-15 million.

The agreement calls for the cities to collaborate in seeking funding from the FAA and the State of Ohio to reconfigure the airport. If the cost of the reconfiguration exceeds any grants received from the FAA and the State, the City of Blue Ash has committed up to \$2 million to the project, as long as the City of Cincinnati matches their commitment. If the cities are unable to secure the funding necessary to reconfigure the airport within five years, it would be closed.

If it is impractical to locate the airport on the south side of the runway, Blue Ash will return to Cincinnati any land needed to reconfigure the airport, and the purchase price will be reduced on a pro-rated basis. Rather than a cash exchange, the cities would simply adjust future installment payments.

### **IMPLEMENTATION COSTS**

The Administration has deferred maintenance on the Blue Ash airport for several years in anticipation of a future sale. In order to safely operate the airport in its current configuration for another three years, it will be necessary to spend approximately \$500,000 to improve the airfield pavement and lighting. These funds are not currently part of the 2007 Capital Improvement Program. However, the Administration will recommend that any repair costs be reimbursed from sale proceeds.

### **THE PARK**

Blue Ash is beginning the process of designing the park. Thus far, it has prepared only a Conceptual Development Plan. The plan calls for approximately 115 acres of open space and 15 acres of “retail and related services,” including a facility to host conferences and banquets, a performing arts center, and a hotel. The facility is expected to include a 1,400-seat auditorium. Blue Ash also intends to build surface and structured parking to accommodate 1,300 cars. Blue Ash intends to build a performing arts center, whether it is in the park or elsewhere in the City.

### **RECOMMENDATION:**

The Department of Community Development and Planning staff recommended that the City Planning Commission take the following action:

AUTHORIZE the sale of approximately 130 acres of residual City of Cincinnati owned property resulting from the proposed reconfiguration of the Blue Ash Airport, which real property is no longer needed for any municipal purpose, to the City of Blue Ash.

### **DISCUSSION**

Ms. Margaret Wuerstle, Chief Planner, indicated that a staff member from the Economic Development Department was available to answer questions.

Mr. Mark McKillip, acting Economic Development Director, stated that the *Agreement of Purchase and Sale* (“Agreement”) conforms to the Contract Proposal with the City of Blue Ash that the City Council approved on August 2, 2006. Mr. McKillip gave an overview of the terms and conditions contained in the “Agreement”. He also explained that prior to any final agreement, the Federal Aviation Administration (FAA) would have to approve a reconfigured airport plan. That process may require some adjustments and therefore there are provisions in the “Agreement” to cover any changes.

Mr. Mooney stated that he had concerns with the economic issues. He asked Mr. McKillip if there were funding sources that would be used in addition to the monies provided by Blue Ash and the City of Cincinnati for the airport reconfiguration.

Mr. McKillip stated that both cities would solicit matching funds from the FAA.

Mr. Tarbell stated that he did not feel the proposal was appropriate for the City. He questioned the sale price of the property and felt it was too low. He stated that he would possibly support a plan that included a lease of the property and a partnership with the City of Blue Ash for a share of a portion of the revenues. He also stated that any construction of a performing arts facility would be in direct competition with facilities in the City.

Mr. McKillip stated the property was properly appraised.

Mr. Tarbell and Mr. Mooney concurred that the proposal would be much more acceptable and appropriate for the City if the purchase price for the property was paid up front, instead of over a 30 year time frame.

Mr. Bob Steele, CFO of KZF Design in Cincinnati and representing Capricorn Management (Capricorn), Palo Alto, California, stated that Capricorn wanted to make a counter-offer to the City of Cincinnati. Mr. Steele gave a brief description of the offer and highlighted the benefits his company would provide. *The Capricorn Proposal is attached at the end of the minutes as Exhibit A.*

Mr. Mooney asked if Capricorn's proposal was to operate and manage the property as an airport. Mr. Steele stated that part of the plan would include FAA funding which would require the company to operate the property as an airport for at least 20 years.

Mr. Steele distributed the Capricorn proposal to the Commissioners and requested that they postpone approval of the current proposal to allow time for consideration of the Capricorn offer.

Mr. Dohoney asked if Capricorn was making their official offer to the City at the Planning Commission meeting. Mr. Steele agreed this was the case. Mr. McKillip stated he received a copy of the proposal the day before and had not had sufficient time to study it. He also stated he had not had direct contact from Capricorn and the proposal lacked certain financial information necessary to constitute an official offer.

Mr. Tarbell stated that he did not feel that he had sufficient information to consider the Capricorn offer. In regards to the sale of the property to Blue Ash, he stated that if the proposal was either a lease with a long-term security interest in the property or if the payment was up-front and not financed by the City of Cincinnati, he would seriously consider supporting it. He said he would not support the current proposal. Mr. Mooney stated that he concurred with Mr. Tarbell and did not feel the current proposal was in the best financial interest of the City.

Mr. James S. Pfeffer, City of Blue Ash Treasurer/Administrative Services Director, stated he had not seen the offer from Capricorn and had no information regarding the financial abilities of the company. He stated that the current proposal from Blue Ash was beneficial to both cities and encouraged the Commissioners to approve the proposal. Mr. Mooney asked if the proposed contract with the City was contingent on approval of a Blue Ash tax increase. Mr. Pfeffer stated that the tax increase issue would be on the November 7<sup>th</sup>, 2006 ballot and voted on by the people of Blue Ash.

Mr. Dohoney stated that he felt the Planning Commission was in no position to affirm or oppose the Capricorn proposal at that time. He said if the Commissioners wanted to procedurally delay the proposal it should at least be on the merits of the item that is on the agenda. He stated that he felt having a company come in at the eleventh hour when the item is already on the agenda, make an offer, and ask for a delay was not appropriate.

<b>Motion:</b>	Mr. Dohoney moved approval of Item #2.
<b>Second:</b>	Mr. Faux
<b>Ayes:</b>	Mr. Dohoney
<b>Nays:</b>	Mr. Faux, Mr. Tarbell, Mr. Mooney, <b>motion denied</b>

Mr. Tarbell stated that he did not want to dismiss negotiations regarding this matter. However there could be better options available that would be more beneficial to the City.

**ITEM #3** Proposed text amendment to sections 1401-01-E2, 1401-01-F5, 1401-01-G4, and 1400-27 of the Cincinnati Zoning Code

*Ms. Margaret Wuerstle, Chief Planner, presented this item.*

**PURPOSE:**

To obtain input and direction from the Planning Commission on zoning text as it relates to the regulation of Gross Floor Area and multiple uses operating under one roof.

**PROPOSED TEXT AMENDMENT:**

1401-01-E2. Establishment.

~~“Establishment” means a lot or building, or part thereof, where a use occurs.~~

“Establishment” means a specific land use on a lot or within a building. For purposes of this code, an establishment with multiple uses and/or products is considered to be one establishment when operating under one roof, within the same building footprint or controlled by a unifying corporate entity.

~~1401-01-F5—Floor Area~~

~~“Floor Area” means inside surface measured to the outside walls in a defined space.~~

1401-01-F5. Floor Area, Gross  
See Section 1401-01-G4.

1401-01-G4. Gross Floor Area

“Gross Floor Area” means the sum of the gross horizontal area of all floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features. This definition does not include the area of parking facilities within the principal building.

**Renumber 1401-01-G4, G5**

1400-27 Measurements

1400-27-S2 Square Footage, Multiple Uses by Single Entity

When determining total square footage, an establishment with multiple uses/products operating under one roof, on the same building footprint and controlled by a unifying entity shall have the square footage devoted to each separate use/product category combined and measured for a total square foot calculation.

All references to “floor area” will need to be amended to “gross floor area”

**JUSTIFICATION:**

Recently, a Walgreen Pharmacy was proposed in an MG zoning district, which limits retail sales establishments to a maximum of 10,000 square feet. An interpretation was made by the Department of Buildings and Inspections that each function provided by the Walgreen’s Pharmacy constituted a separate

use (i.e. the pharmacy, photo shop, cooler area and office). The square footage of each use was then calculated separately so that no one area exceeded the maximum square footage permitted by the zoning district. However, the total square footage of building footprint exceeded the maximum square footage permitted in the MG zoning district.

The MG zoning district is a manufacturing zone created specifically to accommodate heavy industrial and manufacturing uses, transportation facilities, warehousing, distribution and similar related uses. While some commercial development is needed to support manufacturing uses, it is important to ensure that commercial uses do not completely take over or dominate the manufacturing districts. For that reason, a limitation was put on the size of commercial establishments that were allowed in the MG zoning district.

The proposed text amendments will help to make clear the meaning and intent of these provisions of the Zoning Code.

## **DISCUSSION**

Ms. Wuerstle gave a brief overview of the past zoning situation that necessitated the proposed text amendment. She explained that the new language would eliminate inappropriate interpretations and avoid similar situations.

<b>Motion:</b>	Mr. Mooney moved approval of Item #3.
<b>Second:</b>	Mr. Faux
<b>Ayes:</b>	Mr. Faux, Mr. Tarbell, Mr. Mooney and Mr. Dohoney
<b>Nays:</b>	None, <b>motion carried</b>

**ITEM #4**      A report and recommendation on a proposed zone change for Colerain Connector Sector D & E properties in the community of Northside.

*Mr. Rodney Ringer, Senior Planner, presented this item.*

## **ADJACENT LAND USE/ZONING:**

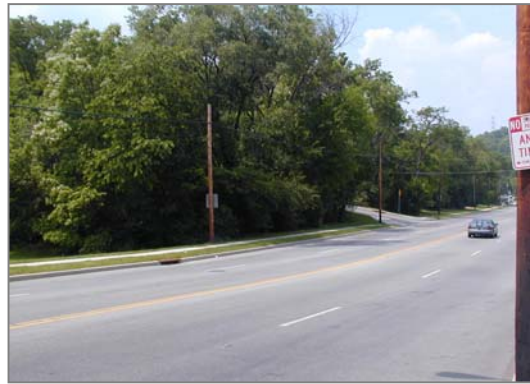
<b>North:</b>	Single-family uses in the SF-2 and SF-6 Single-Family District.
<b>South:</b>	Single-family uses in the SF-2.
<b>East:</b>	Commercial uses in the CN-P Commercial Neighborhood-Pedestrian District.
<b>West:</b>	Single-family uses in the SF-20 Single-Family District.

## **BACKGROUND:**

Pursuant to the preferred developer agreement with NorthPointe Land Company as authorized by the adoption of Ordinance 353-2005 on September 21, 2005, and consistent with recommendations from the Colerain Connector Land Reuse Plan which was approved by City Council on November 29, 2000, staff is requesting a zone change for the properties identified as Sectors D and E. The preliminary recommendation for the entire site is SF-2, which currently constitutes the largest zoning designation in the study area. The rezoning will provide the preferred developer with adequate flexibility in determining lot sizes and the layout for the development.



**Figure 1:** Westwardly view of Sector D.



**Figure 2:** View of Sector D going North on Kirby Avenue south of Robley Avenue.

### **ISSUES:**

The Colerain Connector property is approximately 10 acres in size. NorthPointe Land Company has been chosen by the City of Cincinnati as the preferred developer to develop the site. The property will be used as a single-family housing development to bring more families back into the City. The proposed development will be an aesthetic improvement to the physical surroundings and create a sense of place for the community. The zone change for the site will provide the developer enough flexibility to subdivide lots and to create the best development for the area.



**Figure 3:** Northwardly view of Sector E.



**Figure 4:** View of Sector D going south on Kirby Avenue North of Martha Avenue.

### **COMMUNITY RESPONSE:**

Nine residents in the vicinity of the proposed site attended the August 17, 2006 staff conference and expressed their support for the development, while others also expressed some concern regarding the amount of houses proposed for the site. No response has been issued from the Northside Community Council regarding the zone change request.

### **CONCLUSIONS:**

1. The City of Cincinnati is the current owner of the land, which was purchased from the State of Ohio during the development of the Colerain Connector by ODOT.
2. The proposed development will make an aesthetic improvement to the physical surroundings.
3. The proposed development area consists of 10 acres.

4. The zone change will provide the developer enough flexibility to subdivide lots and create the best development for the area.

### **RECOMMENDATIONS:**

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

APPROVE the zone change located in sector D & E of the Colerain Connector site from SF-6 Single-family District and RM-2.0 Residential Multi-family District to SF-2 Single-family District in the community of Northside.

### **DISCUSSION**

Mr. Ringer gave an overview of the proposed zone change request. He provided a map and pointed out the current and proposed zoning districts. The zone change would enable preferred developers to create improved site plans for future construction of market rate single-family housing.

Mr. Faux asked when construction was planned to begin. Mr. Ringer stated sometime in 2007.

**Motion:** Mr. Mooney moved approval of Item #4.  
**Second:** Mr. Tarbell  
**Ayes:** Mr. Faux, Mr. Tarbell, Mr. Mooney and Mr. Dohoney  
**Nays:** None, **motion carried**

**ITEM #5** A request from Dan Schaefer, Principal Engineer, Greater Cincinnati Water Works (GCWW) for a zoning study of the riverfront classifications and the potential impact on the operations of GCWW water treatment plant operations. The study area is to focus on the riverfront area from the Little Miami River to at least the I-275 overpass.

*Ms. Margaret Wuerstle, Chief Planner, presented this item.*

*The correspondence from Dan Schaefer is attached at the end of the minutes as Exhibit B – Item #5.*

### **DISCUSSION**

Ms. Wuerstle stated that Dan Schaefer, Principal Engineer, Greater Cincinnati Water Works contacted her regarding concerns about permitted marina usage under the RF-R zoning district. She stated Mr. Schaefer was primarily concerned with the primary public water intakes, which supply the entire City and surrounding regions. Permitting marina uses could compromise the intakes. Ms. Wuerstle requested that the Commissioners direct staff to do a zoning study on the riverfront area from the Little Miami River to at least the I-275 overpass to determine if the existing zoning could potentially impact the water intakes.

**Motion:** Mr. Mooney moved approval of Item #5.  
**Second:** Mr. Faux  
**Ayes:** Mr. Faux, Mr. Tarbell, Mr. Mooney and Mr. Dohoney  
**Nays:** None, **motion carried**

### **OTHER BUSINESS**



Mr. Faux gave a brief overview of the meeting he attended on October 10, 2006 with the selected development team for The Banks Project.

Ms. Wuerstle stated that she distributed the Planned Development (PD) District Regulations to the development team. She explained that when the Planning Commission approved the Planned Development District for the Banks site, the Hamilton County/City of Cincinnati Riverfront Master Plan (Riverfront Master Plan) was approved as the Concept Plan. The developers asked what process must be used to make any changes to the Concept Plan. Their primary concern was whether the density and uses outlined for each block in the Riverfront Master Plan could be switched and/or revised as long as the overall density and uses of the development remained within the parameters outlined by the Riverfront Master Plan. It was the opinion of Dotty Carman and the Commission that the development for individual blocks could be moved around as long as the overall intent and spirit of the Riverfront Master Plan remained.

Mr. Dohoney stated that with development of this magnitude it would not be unusual for the developer to want to make changes on a block. He explained that the City Council should give their blessing to the general intent of the plan then let the Planning Commission approve the minor adjustments.

Mr. Mooney stated that when the Commission adopted the PD, they never thought that the actual development would look exactly like the plan. Instead they wanted development proposals to remain “true to the vision” of the plan. He explained that another option would be to wait until the Development Agreement was completed and signed then have the Planning Commission and City Council approve another PD ordinance that would allow the flexibility needed by the developer. That way the PD would only have to go back to City Council one time.

The Commission agreed that both options would be appropriate. Mr. Faux requested that Ms. Wuerstle inform AIG of these options. He also stated that it was not the intent of the Commission to throw up barriers to The Banks development. The Commission wants to see The Banks developed and will work with the developer to ensure that approvals are dealt with in an efficient and timely manner.

**ADJOURN**

**Motion:** Mr. Dohoney motioned to adjourn.  
**Second:** Mr. Faux  
**Ayes:** Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager  
**Nays:** None, motion carried

\_\_\_\_\_  
Margaret A. Wuerstle, AICP  
Chief Planner

\_\_\_\_\_  
Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_